

Docket: 213202.00441

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Donald R. RICCI, et al.) : Examiner: LoAn H. Thanh
Application No.: 09/557,007) : Group Art Unit: 3763
Filed: April 20, 2000) :
For: STENT DELIVERY SYSTEM AND) : March 30, 2004
METHOD OF USE) :

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISC LAIMER

Sir:

Your petitioner, Donald R. Ricci, a Canadian citizen having an address at 4443 West 3rd Avenue, Vancouver, British Columbia, Canada V6R 1M9, and duly represented by the undersigned, represents that he is the sole inventor of each of (i) the above-identified Appln. No. 09/557,007, filed April 20, 2000; and (ii) U.S. Patent Appln. No. 10/671,716, filed on September 29, 2003, which is a continuation of U.S. Patent Appln. No. 09/501,981, filed on February 11, 2000. No Assignments have been made for either of these applications.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of any patent that may be granted based on U.S. Patent Appln. No. 10/671,716, as presently shortened by any terminal disclaimers, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent that may be granted based on U.S. Patent Appln. No. 10/671,716, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patent that may be granted based on U.S. Patent Appln. No. 10/671,716, as shortened by any terminal disclaimer, in the event that subsequent hereeto any such patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is the subject of any disclaimer under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents referred to in the instant Terminal Disclaimer have been reviewed by the undersigned, and it is certified that to the best of Applicant's knowledge and belief, title is in the Applicant.

The undersigned is empowered to act on behalf of the Applicant.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1710 in the amount of \$110.00 for the Terminal Disclaimer fee. A copy of this paper is attached herewith for that purpose.

By: Dawn C. Hayes
Dawn C. Hayes
Reg. No. 44,751
Attorney For Applicant

Date: March 30, 2004